

E.D.Pa. AO Pro Se 14 (Rev. 04/18) Complaint for Violation of Civil Rights

CDS

UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania

Case No.

18-4087

(to be filled in by the Clerk's Office)

MR DEREK WILKS #627334

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

City of Philadelphia, PA ET AL

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should not contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include only: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

The Clerk will not file a civil complaint unless the person seeking relief pays the entire filing fee (currently \$350) and an administrative fee (currently \$50) in advance, or the person applies for and is granted in forma pauperis status pursuant to 28 U.S.C. § 1915. A prisoner who seeks to proceed in forma pauperis must submit to the Clerk (1) a completed affidavit of poverty and (2) a copy of the trust fund account statement for the prisoner for the six month period immediately preceding the filing of the complaint, obtained from and certified as correct by the appropriate official of each prison at which the prisoner is or was confined for the preceding six months. See 28 U.S.C. § 1915(a)(2).

If the Judge enters an order granting a prisoner's application to proceed in forma pauperis, then the order will assess the filing fee (currently \$350) against the prisoner and collect the fee by directing the agency having custody of the prisoner to deduct an initial partial filing fee equal to 20% of the greater of the average monthly deposits to the prison account or the average monthly balance in the prison account for the six-month period immediately preceding the filing of the complaint, as well as monthly installment payments equal to 20% of the preceding month's income credited to the account for each month that the balance of the account exceeds \$10.00, until the entire filing fee has been paid. See 28 U.S.C. § 1915(b). A prisoner who is granted leave to proceed in forma pauperis is obligated to pay the entire filing fee regardless of the outcome of the proceeding, and is not entitled to the return of any payments made toward the fee.

E.D.Pa. AO Pro Se 14 (Rev. 04/18) Complaint for Violation of Civil Rights

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

MR. DEREK WILKS

All other names by which
you have been known:

ID Number

627334

Current Institution

PICC COUNTY JAIL

Address

8301 STATE RD

PHILA

PA

19136

City

State

Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

City of Philadelphia, PA. ET. AL

Job or Title (*if known*)

Shield Number

Employer

Address

PHILA

PA

19102

City

State

Zip Code



Individual capacity



Official capacity

Defendant No. 2

Name

PHILA. DEPT. OF PRISONS

Job or Title (*if known*)

Shield Number

Employer

Address

PHILA

PA

19136

City

State

Zip Code



Individual capacity



Official capacity

E.D.Pa. AO Pro Se 14 (Rev. 04/18) Complaint for Violation of Civil Rights

Defendant No. 3

Name

Job or Title (if known)

Shield Number

Employer

Address

Phila. Industrial Correction Center
P.I.C.C.
8301 STATE RD.
PHILA. PA. 19136
City State Zip Code



Individual capacity



Official capacity

Defendant No. 4

Name

Job or Title (if known)

Shield Number

Employer

Address

Phila. Industrial Correction Center
PICC, AND ITS STAFF, JANE DOES
JOHN DOES
8301 STATE RD
PHILA. PA. 19136
City State Zip Code



Individual capacity



Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

Federal officials (a *Bivens* claim)

State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

Amendment I + XIV + VIII

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

N/A

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (*check all that apply*):



Pretrial detainee



Civilly committed detainee



Immigration detainee



Convicted and sentenced state prisoner



Convicted and sentenced federal prisoner



Other (*explain*)

PAROLEE, STATE DETAINER

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

See Attachments #1 (ONE)

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

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11

- C. What date and approximate time did the events giving rise to your claim(s) occur?

See Attachments # 1(ONE)

- D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

On going Constitution Rights Violations Amendments I(One), 8 VIII, and 14th XIV, . These violations is a everyday occurrence here at P.I.C.C.

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

Mental Anguish + lost of liberties

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

Plaintiff request that Court correct these Constitutional violations also request \$20,000, Dollars for Mental anguish all court fees paid by Defendants, anything the Court deem just.

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

PICC County Jail, 8301 STATE Rd, Phila. PA 19136

- B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

- C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☒ Yes

☐ No

☐ Do not know

If yes, which claim(s)?

(Both) See Exhibits (grievances filed)

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes

☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☒ No

- E. If you did file a grievance:

1. Where did you file the grievance?

P.I.C.C., County Jail
8301 State Rd.
Phila., Pa. 19136

2. What did you claim in your grievance?

See Grievance Attachments

3. What was the result, if any?

No Reply

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

N/A

Attachment
#1 (one)

Plaintiff asserts that the City of Phila, Pa., Phila Dept of Prisons and its staff violates the U.S. Constitution Amendment I by not allowing myself/ inmates to practise or worship there religion(s), by not allowing Plaintiff to participate in Church Service.

1- Plaintiff entered the Phila. Dept of Prisons on 26 May 2018.

2- Plaintiff was in quarantine for about the first (2) two weeks of incarceration. (No Movement anywhere)

3- On or about 10 June 2018, Plaintiff was transferred from C.F.C.F. County Jail to P.I.C.C. County Jail.

4- Plaintiff asserts that P.I.C.C., operates each and almost all the time under-staffed and because of this wonten attitude they are violating Plaintiff/ inmates Constitutional Rights.

5- Plaintiff states that everyday we are held in our cells for one reason or another such as shakedown, understaffed, meeting, training etc. These are reasons they use to deny us our liberties and Church Services.

6- Plaintiff filed a number of Grievances pertaining this/these issues with (No Reply) See Exhibits. Also see Exhibits (Graph) times in times out.

7- Plaintiff states that when Church Services are called over the P.A. System each staff member, does it in a different way, for example they will call (Church Service Max side only) so this will mean that I won't get a chance to worship this week, because I'm on the Medium Side and (Vice Verse).

8- Other times they will say on PA Church Services first (5) five on Block or Unit gets to go. We are locked/

confined in cell so much that I never can go to service, because I am in C-Unit, Cell 43 and when the Corrections officers starts to let out for the services (5) only, if he/she starts at Bottom tier 1 to 25 cell, top tier 26 to 50. (Plaintiff is on top tier) on Plaintiffs tier if Correction officers if starts at 26 by time they get to 31 its already 5 people, if start at 50 by the time they get to 46 it 5 people. (Note it 2 people/inmates per cell) Plaintiff asserts that its always the same results no matter what Corrections Officers is working

Wherefore,

Plaintiff asserts that this is a everyday deliberate act of denying my Rights to Religion.

Conclusion,

Plaintiff spoke with/Grevence, did all in his power to try to resolve this matter, No Results

as of this complaint, this is still an on going issue/ violation of my Constitutional Rights. Plaintiff respect that the Court will right this wrong. In short we have not only the freedom to worship, but the right to exercise our faith. The constitution protections don't end at the prison/County Jail nor can our freedoms be confined to our cells.

Plaintiff asserts that City of Phila., Phila Dept. of Prisons and its staff are violating Plaintiff/inmates U.S. Constitutional Amendment VIII, by subjecting Plaintiff to over 24 hours of confinement without exercise or liberties that are allowed in Prisons/County Jails in the United States of America and protected by the U.S. Constitution. U.S. Constitutional Amendment XIV

1- Plaintiff states that's he's in General population and should be afforded the same rights & privileges as any other inmates housed at P.I.C.C.

2- Plaintiff is housed on C-Unit, Cell 43, this Unit also is shared with Protective Custody inmates because of this we must share Recreation times out, general Population + Protective custody inmates can have NO contact together. Example we suppose to come out 4-times a day G.P. 730am to 945am, 1200pm to 245pm, 3:30pm to 5:45pm and 7:30pm to 1045pm, but because of sharing Unit with P.C. inmates our time is cut in half 50/50

3- General Population + Protective Custody inmates should not share the same housing unit for Security + Safety Reasons When we are out they are confined to there cells, (Vice Verse), but more often we cross paths. (for example we are out for Recreation an one of them comes back from a pass. They c/o's don't lock us in, they make us step aside.

4- Plaintiff asserts that on a number of occasions spent over 24 hours, up to 36 hours in confinement without exercise.

5- Plaintiff asserts that everytime they announce on the P.A. System that the jail is open for activities with the proper amount of staff + or coverage. They use this tactic to keep inmates confined to there cells

6- Plaintiff asserts that P.I.C.'s on going practice is to rotate/Move C/O's from one place/Unit/Block to another each and everyday to cover, You need 2 guards to open up a unit, so if Example, C-Unit has 2 guards for today from 7:30am to 10:00am after this time they will shift the guard to another unit so at 12 to 2:45pm B-Unit can come out and so on. Because we share times 50/50 with P.C.'s we are confined for over the allotted hours by law. over 24 hours up to 36 hours, to many times to count, in a Non Emergency situation.

7- Plaintiff was assaulted (spit on) by a P.C. inmate which should have never happen if the C/O's were following the policies correctly. Plaintiff

should NEVER have any contact with P.C. inmates this incident happen when I came back from a pass at there allotted Recreation times, instead of the C/O's locking them in they move them to the side 3 feet away one of them in the crowd hooked spit in my hair & face.

8-Plaintiff asserts that when either is out for Recreation G.P. or P.C., if someone from either or has a pass or must travel about the institution we must stop what we are doing lock back up until this inmate is secure in his cell. This is policy per institution if this would have been followed Plaintiff would never have been assaulted (Spit on).

Wherefore,

Plaintiff asserts that the Phila. Dept. of Prisons, has a on going practice of calling Restrictive Movement, False Shakedowns, or anything else deemed to hinder Plaintiff/inmates from Recreation, Activities,

Phone calls etc. law states that Protective Custody inmates are required 2 hours out per day for Recreation and or activities, because of this practice & mentality of the Staff they are in violation of Plaintiff's/inmates Constitutional Rights.

Conclusion,

Plaintiff hope & pray that this Honorable Court will right this ongoing wrong and Practice City of Phila, Phila. Dept. of Prisons P.I.C.C. County Jail and its Staff.

Respectfully Submitted,
Mr. Derek Wilks

Exhibits

Quervance's files
by

Plaintiff

INMATE GRIEVANCE FORM

☐ ASD☐ CFCF☐ DC☐ HOC☒ PICC☐ RCFNAME: DEREK WILKSHOUSING UNIT: C-42PID: 617334

INTAKE NUMBER:

Check box only if grievance is regarding Medical Services ☐Description of Grievance, Incident or Problem
(Include date and time of incident)

Aug 21, 2018 about 9:30 am, While coming for Medication they have the P.C.'s Protective Custody Making the same Unit C-Block as I do. While returning to my cell a P.C. inmate Hocked Spit in my back and throat. This would have never happen if we were not sharing C-Unit. P.C. and General Population should not be on same block and sharing time out for Recreation together somebody is going to get hurt one day and I hope it's not myself.

This issue needs to be address

Action Requested by Inmate:

Segregate Housing Unit, one for P.C. and one for General Population Not sharing the same living area

See Continuation of Grievance - Page 2 YES ☐ No ☐

Describe how and when you tried to resolve this Grievance informally.

Date that you are depositing this Grievance in a grievance box:

Aug 21, 2018Signature of Grievant: Mr Derek WilksDate: 21 Aug 2018

**PHILADELPHIA DEPARTMENT OF PRISONS
INMATE GRIEVANCE FORM**

☐ ASD ☐ CFCF ☐ DC ☐ HOC ☒ PICC ☐ RCF
 NAME: MR DEREK WILKS HOUSING UNIT: C-43
 PID: 627334 INTAKE NUMBER:

Check box only if grievance is regarding Medical Services ☐

**Description of Grievance, Incident or Problem
(Include date and time of incident)**

To Many to Account for (Time & Date) I transfer to Picc sometime in June 2018. Since being here I have been denied Religion Services on a number of occasions to many to count. This violates my US Constitutional Right of Religion. Everytime Church is held its the Medium or Maximum side only, or it the first 5 inmates only a lot of time they don't let us out because they say it a SHUT DOWN of the Jail. Most of the time the jail shutdown to not let us out for any Recreation or Church Services. When they let out or call Church Services they start at 1-cell or 26-cell and will only let the first 5 people go. I am in 43 cell and never go to my cell people go first because we are locked in so much they want to get out. Being an inmate I should not have to fight, bang or yell to go to Church. It my (I first) admendment Right

Action Requested by Inmate:

Request that it get Broken in half (Church Services) so we all can go to Services and be able to practice my/our Religion

See Continuation of Grievance - Page 2 YES ☐ No ☐

Describe how and when you tried to resolve this Grievance informally.

Date that you are depositing this Grievance in a grievance box: Aug 8, 2018

Signature of Grievant: Mr Derek Wilks

Date: 8 Aug 2018

Attachment 3.F.10.a

**PHILADELPHIA DEPARTMENT OF PRISONS
INMATE GRIEVANCE FORM**

☐ ASD ☐ CFCF ☐ DC ☐ HOC ☒ PICC ☐ RCF

NAME:

HOUSING UNIT:

PID:

INTAKE NUMBER:

Check box only if grievance is regarding Medical Services ☐

**Description of Grievance, Incident or Problem
(Include date and time of incident)**

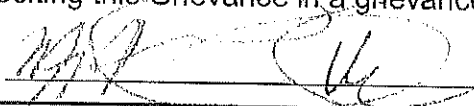
Respectfully Request that C-Block to come out
everyday at 12:00pm because of the F.C.
situation. In the morning they have a lot of
Pass, medical etc and it takes them over
Recreation & Phone time

Action Requested by Inmate:

See: Continuation of Grievance – Page 2 YES ☐ No ☐

Describe how and when you tried to resolve this Grievance informally.

Date that you are depositing this Grievance in a grievance box: 31 July 2018

Signature of Grievant: 

Date: 31 July 2018

PHILADELPHIA DEPARTMENT OF PRISONS

INMATE GRIEVANCE FORM

☐ ASD ☐ CFCF ☐ DC ☐ HOC ☒ PICE ☐ RCF

NAME: DEREK WILKS

HOUSING UNIT: C-43

PID: 627334

INTAKE NUMBER:

Check box only if grievance is regarding Medical Services ☐

Description of Grievance, Incident or Problem
(Include date and time of incident)

I transferred from CFCF to here PICE on C-Unit, since being here I have been denied Recreation, because of Shake down which I think a false because they occur 5 times or so a week. There have been times where I have confined to my cell over 36 hours with no shower or out for Recreation, which is against my Constitutional Rights.

The law states that if you are in Dispute Status, 1 hour out per day for exercise. Administrative Custody 2 hours out per day.

I am in neither I'm in General Population

This County Jail has 11 Unit C Unit being shared with General Population so are and there time is 50/50. No other penal system shares Protective Custody & General Population together. This is a serious security breach.

Action Requested by Inmate:

See: Continuation of Grievance -- Page 2 YES ☐ No ☐

Describe how and when you tried to resolve this Grievance informally.

Date that you are depositing this Grievance in a grievance box:

July 19 2018

Signature of Grievant:

[Signature]

Date:

July 20 2018

**PHILADELPHIA DEPARTMENT OF PRISONS
INMATE GRIEVANCE FORM**

☐ ASD ☐ CFCF ☐ DC ☐ HOC ☒ PICC ☐ RCF

NAME: MR DEERE WILKS

HOUSING UNIT: C-43

PID: 0627334

INTAKE NUMBER:

Check box only if grievance is regarding Medical Services ☐

**Description of Grievance, Incident or Problem
(Include date and time of incident)**

I am filing this grievance because I am being denied Religion Rights and Recreation many times thru out the course of the week We/I only get out 50% of the times allotted to us because we share times with Protective Custody inmates (housed on same Unit C) All other General Population inmates comes out 4 times a day, we don't because of sharing block (2 times out for them 2 out for us) Not fair and when Church is call alot of times we are locked in cells and C/O won't open doors or just let out 5 or so inmates and stop I never get to go at all because of my cell location

Action Requested by Inmate:

Come up with a better solution about Church + Recreation for this unit C-Unit Because of sharing time

See: Continuation of Grievance - Page 2 YES ☐ No ☒

Describe how and when you tried to resolve this Grievance informally.

Date that you are depositing this Grievance in a grievance box:

July 5, 2018

Signature of Grievant:

Mr Deere Wilks

Date:

July 5, 2018

REQUEST TO STAFF

All inmates fill in this section and deposit in Social Service box

| | | |
|---|-----------------------------------|-------------------------------|
| NAME (last) <u>WILKES</u> (first) <u>DEREK</u> | DATE <u>28 June 2018</u> | do not write in this space |
| NUMBER (PID #) <u>0627334</u> | LIVING QUARTERS <u>C-12</u> | |
| WORK ASSIGNMENT (if any) AND HOURS <u>MAINT</u> | ADMISSION DATE <u>26 MAY 2016</u> | |

Check the help or information you need:

☐ What is my next court date(s)?☐ I want to apply for (circle one):

a job

a program

school

☐ I want to meet with my Social Worker to talk about about Not coming out of isolation Recreation time☐ I want to see the Notary☐ EMERGENCY (check this box and circle one choice below only if the matter is a genuine emergency)

- ☐ a matter of life or death, or serious bodily injury to any person
- ☐ serious disruption in the facility
- ☐ serious health hazard to any person
- ☐ immediate action needed re: custody or welfare of my children
- ☐ I have been cleared legally for discharge. (No more cases are holding me.)

☐ Other matters, or more detail on above also Church Service every day under lock & key timeM. D. [Signature]
Signature of Inmate

(do not write below this line)

Date request answered: _____ by interview _____ on housing area _____ correspondence _____ other _____

Answer to request of:

| | |
|----------------|--|
| NAME | |
| NUMBER (PID #) | |
| HOUSING AREA | |
| | |
| | |
| | |
| | |
| | |

Signature of Social Worker

Exhibits

Time in time out

Graphs

| | | | |
|--|---|---|--|
| 7:30am to 10:00am open up at 7:50am PC's out at 800 in at 1000 AM PC - REC | 12:15pm to 2:45pm open at 12:15pm TOWN MEETING during REC in at 2:35pm | 3:45pm to 5:45pm open jail at 3:30pm PC's out at 4:20pm for REC. almost How dates went in 5:10pm | 7:30pm to 10:45pm GP out at 7:45pm REC Canceled went in 10:25pm |
| PC out REC at 8:10 AM 1000 AM | GP out Rec 12:15 to 2:40pm | PC REC open jail at 3:45pm out at 4:15 REC over at 4:25 | out at 7:45 in at 10:40pm REC |
| open at Jail 7:30 to 10:30 AM P REC 8:15 out | PC REC 12:15pm to 2:45pm | 3:30pm to 5:40pm (REC) 19 HR in | NO REC TONITE SHUTDOWN 7:30 to 10:45 PC or GP |
| PC REC 800 to 1000 AM comm and PC HAIR CUTS | GP REC 12:15 to 2:30pm | PC REC 3:45pm to 5:40pm RAN ACU CHECK DURING TIME OUT | Jail opened at 7:45pm Not allow Church <u>may</u> GP out at 8:45pm MADE TO GO IN EARLY US ONLY 10:25pm |
| GP REC 800 to 1000 PC interurb 3 diff. times had to dock in | PC REC 12:30 to 2:45pm | GP REC Jail open at 3:30pm 5:30pm Came out at 4:10pm | Burned for LAWS LIBRARY GP 6:00-9pm PC out at 7:45pm in at 10:35pm GP WILL BE IN 19 HRS |
| PC out morning 7:30 to 1000 AM | GP out from 12:30 to 2:30pm REC | PC REC TIME Jail open 3:30pm went out 4:15 to 5:35 | GP 7:50p to 10:30pm REC |
| Jail open at 7:30am out 8:10 to 9:55pm REC | Jail open at 12:00pm PC out at 12:30pm for REC (FIGHT) in at 1:55pm | open Jail at 3:35pm out at went in at 5:40pm REC | PC RESTRICTION MOVEMENT (Fight) TOP 1 HR Bottom 1 HR over 10:15pm |
| SEPT 10, 2018 to SEPT. 16, 2018 | | | |

| | | | |
|---|--|--|--|
| 730 to 10:00am Switched D.U.S WE WERE NOT TO COM out in morning GP out 800 to 1000 LABOR DAY | 12:45 to 2:45pm PC out 1230 to 245pm | 3:45pm to 5:45pm Jail Closed under staffed docted in the NOT RECREATION | 730pm to 1045pm G.P. Rec 745pm to 1045pm |
| opened Jail at 725am PC out for Rec at 800am | LOCK IN JAIL GP 12:45pm to (NO REC) AGAIN SHIFT CHANGED 300pm | Let GP out put us back in at 400 to let out PC 405 they were out until 5:40pm | GP Recreation 810 to 1040 |
| GP Rec. 730 to 1000am | PC out 1210pm REC 240pm | GP Jail open 330 pm (out 350pm) REC went in at 540pm | PC REC. open Jail at 725 let them out at 845pm Stayed at till 1035pm |
| PC REC. open Jail at 725 let out at 800am over 10:00am | Jail open 1200pm out at 115pm went in at 240pm REC G-P | NO MOVEMENT AGAIN LOCK IN NO REASON NOBODY CAME OUT GP or PC | JAIL OPENED 730pm PC out Church could not go docted in GP out at 850pm in at 1040pm |
| GP REC 800 to 1000am | Restrictive movement PC 12:30pm to 245pm JUMAH FIRST FLOOR MAX SIDE ONLY 1:15pm to 2:20pm | GP open 330pm REC until 540pm Not out toute PC | Jail open at 730pm GP docted in until to morrow at 1200pm PCS out at 745pm |
| open Jail at 730am PC out at 830am 1000am | GP REC 1215 to 240pm | PC LET OUT AT 400 guard MASED 1000pm to 419pm they went out 424pm | G.P. out at 730pm in at 1040pm |
| GP out at 800pm in at 1000am REC | PC REC 1215 to 245pm GP could not go to Church docted in GP (first 5) | GP out at 345 to 540pm REC. No Church seen | PC Jail open 730pm out at 845 |
| SEPT 3 RD to SEPT 9 th 2018 | | | |

| | | | | |
|-------|--|---|---|---|
| | 730am to 1045pm | 225pm to 245pm | 345pm to 445pm | 745pm to 1045pm |
| MOL | PC REC 730 to 1045 Complete | GP Recreation 1215 to 240 Complete | PC REC Complete | Open jail 730pm Came out a 800pm and 1055pm |
| TUE | PC out morning 730 to 1045pm | 1220 open went out at 1245pm | OPEN UP 315 WENT OUT AT 445 REC | PC out 800 Church called 804pm Gained chd not let out (MS Ding off) Denied leaves |
| WED | SHAKEDOWN CBLK over at 1030AM NO REC PC or GP | Open Jail 1215 We GP went out for Rec at 1245 but came in at 145 | Open Jail a 330pm Nobody came out for REC (NO REASON) | BLK open 730 PCs OUT 745 to 845 900 to 1040 GP |
| THURS | PC out 755am Commissionary day & REC 1000AM | GP out came in at 200pm. MOVE MENT (ACAT10) | PC came out for REC. 345 | GP out for Rec at 740pm to 1040pm |
| FRI | GP out 800 to 1000am REC | PC out for Rec at 1200pm 245pm NO JUMP FOR MUSINGS | Open Jail at 320pm Did not come out until 415pm for Rec G.P. WILL BE CALLED FOR 1900 Aout | Open Jail at 730 PC Came out at 745pm 1015 in |
| SAT | 730 open Jail PC. went out at 800 for REC over at 1000 am | GP Recreation 1215 Time in 245pm | Open Jail at 350pm for PC over at 545pm REC GP garage | Open up Jail Evening activities 730pm to 1040 No Church Services |
| SUN | No Recreation GP 730pm No GP Did not let out FOR CHURCH | Restrictive MOVE PC 1215 to 115pm GP REC 130 to 240pm | JAIL CLOSED RESTRICTED MOVEMENT 350pm Nobody get out for movement | Restrictive Move 5 Cell at time 1/2 hour a piece time out 44 cell to 26 cell did not get out for Restrictive Move |
| IS | AUG 27 to Sept 2, 2018 | | | |

| | | | | |
|---|---|--|---|---|
| AUG 20 to 26 | | | | 730 to 1045 |
| MORNING 8 to 10 AFTERNOON 12 to 2:45 400 to 545 | | | | |
| MON | PC RECK | GP RECK | GP PC RECK | LOCK IN SHAKE DOWN |
| TUE | PC | GP RECK | PC | GP 800 1045 |
| WED | open Jail 730am GP 800am 945am | LOCK IN PC + GP NO REASON | GP OPEN JAIL AT 330pm Let us out at 4:10pm NO EXCUSS FOR DELAY | PC OPEN JAIL 730am out 730pm IN 1030pm |
| THURS | PC COMMISSARY DAY 730 OUT JAIL OPEN 8:10 CAME IN 1030am | GP OPEN UP 1205pm LET OUT at 1:35pm WENT BACK IN 45min EARLIER 2:00pm | PC Did not come out at there appointed time NO REASON/UNSTAFFED | GP out at 730pm in 45 min early 20 reason |
| FRI | GP Suppose to come OUT SHAKE DOWN AGAIN NO REC or ANYTHING 730 to 1000am PC | GP REC 1215 to 240pm YARD & DAYROOM | OPEN UP 330 JAIL WENT IN 4:40pm Restrictive move NO ACTIVITIES | OUT FOR 1 HOUR 8:40 IN PC out FROM 84 TO 10:00 REST R.MO SCEN ATTIN 730 |
| SAT | open up Jail at 800am WE DID NOT COME OUT NOBODY CAME OUT FOR REC | PC 1215 130 GP 130 245 REC | PC out REC 345pm + 545pm | 730 1/2 H |
| SUN | GP out 755 G.I only NO REC or ACTIVITIES PC or GP | RESTRICTIVE MOVEMENT AGAIN GP out 1215 to 130 PC 130 to 245 FIRST TIME OUT TODAY | GP out until 540 yard stayed over time if not would not come | over |

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

N/A

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

N/A

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

See Exhibits Grievance filed by Plaintiff (Attached)
(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes

☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

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A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

N/A

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

N/A

4. Name of Judge assigned to your case

N/A

5. Approximate date of filing lawsuit

N/A

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition. _____

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

N/A

C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

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☒ Yes☐ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s) MR DEREK WILKS ETAL CLASS ACTION
 Defendant(s) CITY OF PHILA, CROZIER MEDICAL SERVICES

2. Court (if federal court, name the district; if state court, name the county and State)

US District Court (EASTERN)

3. Docket or index number

11-3330 / 10-7396

4. Name of Judge assigned to your case

SEE DOCKET ENTRY

5. Approximate date of filing lawsuit

SEE DOCKET ENTRY

6. Is the case still pending?

☐ Yes

☒ No

If no, give the approximate date of disposition

Year 2013 or 2014

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

Judgment entered in my favor (Both)

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

31 Aug 2018

Signature of Plaintiff

Mr Derek Wilks

Printed Name of Plaintiff

MR DEREK WILKS

Prison Identification #

627334

Prison Address

8301 STATE ROAD

Phila.

PA.

19136

City

State

Zip Code

B. For Attorneys

Date of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address

REQUEST TO STAFF**All inmates fill in this section and deposit in Social Service box**

| | | | |
|------------------------------------|---------|-----------------|-------------------------------|
| NAME (last) | (first) | DATE | do not write in this space |
| NUMBER (PID #) | | LIVING QUARTERS | |
| WORK ASSIGNMENT (if any) AND HOURS | | ADMISSION DATE | |

Check the help or information you need:☐ **What is my next court date(s)?**☐ **I want to apply for (circle one):**

a job

a program

school

- ☒ **I want to meet with my Social Worker to talk about** getting a Print out for
Money sent to me for last 8 months for US 1983 form
(Jama purposes)
- ☐ **I want to see the Notary**
- ☐ **EMERGENCY** (check this box and circle one choice below only if the matter is a genuine emergency)

- a matter of life or death, or serious bodily injury to any person
- serious disruption in the facility
- serious health hazard to any person
- immediate action needed re: custody or welfare of my children
- I have been cleared legally for discharge. (No more cases are holding me.)

☐ **Other matters, or more detail on above** Can't file without this
need this info ASAP

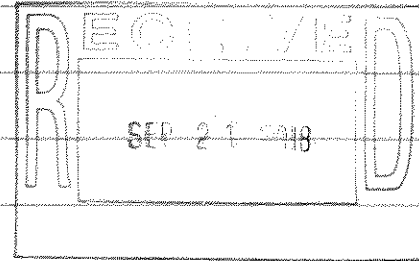
Signature of Inmate

(do not write below this line)

Date request answered: **by interview** **on housing area** **correspondence** **other**
Answer to request of:

| | |
|----------------|--|
| NAME | |
| NUMBER (PID #) | |
| HOUSING AREA | |
| | |
| | |
| | |
| | |
| | |

Signature of Social Worker

CDJ
Mailing addressMr. Derek Wilks
6273348301 State Rd.
Phila. Pa. 1913617 Sept 2018
CA18-4087

To Said Hon: Judge,

I am send in this 1983
Civil Rights action, pertaining to my Constitutional
Rights being violated as of this letter still
on going issues. In my Complaint I tried
to Document/keep track of all violation to the
best of my abilities. This county Jail makes it
hardly violates our Amendments 9, 14, 6, of the
US Constitution. As of this letter we/ I plaintiff
has been confine to this cell since, 16 Sept 2018
at 5:30 pm we came out of our cell on, 18 Sept 2018
at 12:15 pm (Total 46 HOURS), these are on going
issues, Denying Church Services, and confinements (unlawful)
I hope that I can get the courts to right this
wrong

Respectfully

Mr. Derek Wilks

Note: Can You please send me a copy of
1983 I am filing lock, we are confine to our cell
and can't hardly get to law library (Thanks)
This is ONLY COPY I HAVE